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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,525	04/15/2004	Yuji Kanome	03500.018076.	6590
5514 7590 05/01/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
MCCLAINE, GERALD				
ART UNIT		PAPER NUMBER		
3653				
MAIL DATE		DELIVERY MODE		
05/01/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/824,525

**Applicant(s)**

KANOME ET AL.

**Examiner**

GERALD W. MCCLAIN

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-11, 13, 14, 18 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13, 14, 18 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/888)  
Paper No(s)/Mail Date 31 March 2009.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed 10 February 2009 has been entered.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1-5, 7-11, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuge (Japanese Patent 2001-301994).

Claims 1-2 and 33: first stacking portion (2); pressure plate (8 with 21); second stacking portion (4); tray (4/9); base member (7); supplying roller (5);

Claims 3 and 4: blocking lever (see figure 1 label 4);

Claim 5: regulating portion (paragraph [0020], 15);

Claims 7-8: guide member (9);

Claims 9 and 10: cover member (paragraph [0001]; underside of main body of image forming device (not shown).);

Claims 11: regulating member (22).

Claim 1-2, 18 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Jang (US 6,315,280).

Claims 1-2 and 33: first stacking portion (21); pressure plate (21 with 25); second stacking portion (10); tray (11); base member (structure that connects 11 to 21); supplying roller (31);

Claim 18: cover member (underside of "multi-functional machine not shown"); sub cover member (structure upon which 13 is connected).

***Claim Rejections - 35 USC § 103***

Claims 13, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuge in view of Jang and Watanabe, et al (U.S. 5,109,236) ("Watanabe"). Kuge teaches all the limitations of the claim as discussed above. Kuge does not directly show a sheet type discriminating sensor or a tray position detecting sensor.

Watanabe shows said sheet type discriminating sensor (1, 2) for the purpose of determining the type of the sheets (entire abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Kuge as taught by Watanabe and include Watanabe's index sheet type discriminating sensor for the purpose of determining the type of the sheets.

In addition, Jang shows a tray position detecting sensor for sensing whether documents are loaded (abstract, line 4). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Kuge as taught by Jang and include Jang's tray position detecting sensor for sensing whether documents are loaded.

Claim 14, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuge in view of Trask (US 5,116,034). Kuge teaches all the limitations of the claims as discussed above. Kuge does not directly show an index on the first stacking portion as a line or a character.

HPOJ shows said index on the first stacking means as a line or a character for the purpose of indicating the size of the sheet (3E). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Kuge as taught by Trask and include Trask's index as a line or character on the second stacking means for the purpose of indicating the size of the sheet.

### ***Response to Arguments***

Regarding Trask, there is no common pressure plate (not argued).

Regarding Jang, tray 10/11 moves between positions.

There are new rejections above for the new pressure plate recitation.

### ***Conclusion***

Applicant's amendment (pressure plate) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is (571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain  
Examiner  
Art Unit 3653

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
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